IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl..No. 7615 of 2007()

(CRIME NO.410 OF 2007 OF KILIMANOOR POLICE STATION)

PETITIONER:2ND ACCUSED (IN CUSTODY):

SHAJAHAN, B.S.MANZIL, VALANCHERI,
KILIMANOOR VILLAGE, CHIRAYANKIZH TALUK.

BY ADV. SRI.K.C.ELDHO

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J.

B.A.No.7615 of 2007

Dated this the 7th day of December 2007

O R D E R

Second application for regular bail. The petitioner faces allegations under Section 376 I.P.C. An employee of his is the first accused. The allegation relates to the commission of the offence of rape against a girl child aged about nine years, by the petitioner as well as his employee in succession. The alleged incident took place on 18/10/2007. The petitioner was arrested and produced on 19/10/2007. He continues in custody from that date. An earlier application for regular bail filed by the petitioner was dismissed as per order dated 23/11/2007 in B.A.No.7085/2007. I have adverted to facts in detail in the said order. It is not necessary for me to advert to facts in any greater detail in this order. This order must be read in continuation of the said order. In that order, it is observed that the petitioner shall be at liberty to move this court for bail again at later stages of the investigation not prior to 01/12/2007. Accordingly this petition has been filed.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He is continuing in custody from 19/10/2007. He may now be enlarged on bail.

3. The learned Public Prosecutor opposes the application. I find merit in the opposition by the learned Public Prosecutor. The learned counsel for the petitioner vehemently urges that it is a clear case of false allegation being raised due to political animosity. I find no reason to accept the said version. The allegation against the petitioner is clearly narrated in the F.I statement lodged by the infant girl on the date of occurrence itself. The allegation reveals great depravity of mind. I am not satisfied that the petitioner deserves to be enlarged on bail at this stage.

4. This petition is accordingly dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 19/12/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007